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ABSTRACT

The role of the principal in identifying and reporting child abuse and neglect is discussed in this bulletin. Although all 50 states and the District of Columbia have laws that require educators to report cases in which they have knowledge or reasonable cause to suspect child abuse, passage of legislation does not always lead to compliance. Reasons for administrators' failure to report include fear of damage to school-family relations and of legal ramifications, preferences for internal resolution and personal investigation, unclear definitions of abuse, perceptions of futility, and animosity toward some government agencies. Suggestions for dealing with abuse cases involving school employees are discussed, which include establishing a school policy for reporting that is consistent with state laws, providing staff training and proactive leadership, and generating community awareness. A conclusion is that educators have ethical, moral, and legal responsibilities to report suspected cases of child abuse. Examples from a survey of teachers' intentions to report are included. (9 references) (LMI)

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HERE'S HOW

NATIONAL ASSOCIATION OF ELEMENTARY SCHOOL PRINCIPALS

The Principal's Role in Reporting Child Abuse

Beth Payne

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Rochelle Davis was eight years old when she was beaten by her mother and rendered comatose and quadriplegic. There was no reversal of Rochelle's neurological condition; she died six years later.

Fourteen months before this beating, Rochelle had appeared at the school nurse's room, apparently sent by her classroom teacher who had observed bruises and swelling on her face. Rochelle claimed she had fallen from a tree. The nurse then spoke with Rochelle's mother, who attributed the injury to a fall from a table.

Over the next 14 months school personnel had observed bruises and cuts on Rochelle's face at least 16 times. These were reported to and discussed with the school principal. The principal spoke with Rochelle's mother, who again explained away the injuries. When the school nurse finally reported her suspicions to Child Protective Services (CPS), the complaint was placed in a file for future investigation. The case lay unattended until CPS received a report from the local hospital following the final beating.

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Over 1,100 Deaths a Year

Rochelle's death is not an isolated incident. Since 1987 over 1,100 child maltreatment deaths have been reported each year; last year's total was an unprecedented 1,211 deaths. The 1990 total for reported cases of suspected child abuse and neglect rose to a new high of 2.5 million.[1]

The rising number of reports and the declining level of resources to respond to those reports prompted the U.S. Advisory Board on Child Abuse and Neglect in August 1990 to declare a national emergency. The Board's declaration was based on a finding that each year "hundreds of thousands of children are being starved and abandoned, burned and severely beaten, raped and sodomized, berated and belittled." The Advisory Board further found that our system for responding to child abuse and neglect is failing. "It is not a question of acute failure of a single element of the system; there is chronic and critical multiple organ failure." They concluded that child abuse, together with the nation's lack of an effective response, is a "moral disaster."[2]

As stressed by the Advisory Board, professionals must work together to develop strategies to improve our response to child abuse and neglect. All elements of American society share the responsibility for allowing this emergency to develop and continue, and all must accept responsibility for remedying it.

Key Role for Principals

Elementary school principals are in a pivotal position to participate in improving the protection of children from abuse and neglect. Because they see young children close up five days out of the week, schools are an obvious setting in which to improve the prevention, identification, and even the treatment of child abuse and neglect.

Recognizing the important role their educators can and should play in the identification of child abuse and neglect, all 50 states and the District of Columbia have laws requiring educators to report cases in which they have knowledge or reasonable cause to suspect that a child has been abused. In many states the law specifically lists school employees, administrators, principals, nurses, and guidance counselors as mandatory reporters of abuse.

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Passage of legislation, however, has not necessarily led to full compliance. While schools have a critical role in identifying possible child abuse, there is much research and anecdotal evidence to indicate that educators are not reporting all cases of known or suspected child abuse. As of 1986, for example, school personnel reported only one-quarter of cases of child maltreatment they identified.[2]

Why Don't They Report?

While the research reveals that teachers will generally report known cases of child abuse and neglect to school counselors or building administrators, other studies indicate that only a small percentage of reports to CPS concerning school-age children originate from school personnel. The studies also suggest that school principals may be screening teachers' reports of suspected abuse, despite their ethical and legal obligation to pass on to the proper authorities all reports from school employees. In a survey of school principals carried out by the National Committee for the Prevention of Child Abuse (NCPCA), only 61 percent of elementary school principals said they reported every case of suspected abuse and neglect.[3]

Principals may be reluctant to report suspected abuse for several reasons, according to the NCPCA study. A report may conflict with perceived school interests by possibly damaging school-family alliances and relationships. Also, we know that some accused parents, who are then the object of child abuse enforcement, have become especially angry at the principal who, they discover, was the one who filed the report.[4] And that anger can turn nasty. Principals may also hesitate to report allegations made against school employees, choosing instead to try to resolve the issue quietly within the school community.

Some elementary and middle school principals apparently prefer to personally investigate cases of suspected abuse before filing a report to CPS; others tend to screen out cases in which they personally believe no abuse occurred. Regardless of the motivation behind these choices, the choices are wrong, and principals must accept the legal penalties for making them. State reporting laws are very clear on the matter: they specifically prevent mandatory reporters (such as school personnel) from assuming any personal responsibility to investigate suspected abuse; the laws give this responsibility to professional investigators trained to work in this very difficult field.

Moreover, the initial reporting function is so critical to the issue of protecting children from abuse that most states impose criminal penalties on persons who have failed to report known or suspected child abuse. The courts have agreed; they will convict a mandatory reporter who may have personally believed no abuse occurred, if "a prudent person would have reasonable cause to suspect child abuse, if presented with the same totality of circumstances as that acquired and viewed by [that person]."[5] Therefore, a principal who suspects abuse (the child has come to school too many times with unexplained bruises on arms and legs) yet also personally doubts that any abuse occurred (the child's parents have always seemed to be responsible and supportive), must—by law—report his or her suspicions anyway. Any doubts can be expressed as part of the report.

We now know of too many instances in which an abused child had no advocate and no shield from continued abuse and neglect, other than the adults at his or her elementary school. And, in many of those cases, the child's ultimate defense lay with the elementary school principal. Hence, one cannot overemphasize the importance of having principals and other school staff report to and cooperate with CPS.

Cases Involving School Employees

While criminal charges against educators for failure to report are still rare, our information at the National Center indicates that prosecutors across the country are showing a greater willingness to pursue criminal charges against those educators who do fail to report actual or suspected cases of child abuse or neglect.

Many of the cases brought so far against principals have involved allegations of abuse made against school employees, and the principals chose not to report them to CPS:

- In Minnesota, an elementary school principal was charged with failure to report several complaints of sexual abuse of students by a teacher.[6] The Minnesota Supreme Court upheld the charges, finding that the mandatory reporting statute, requiring reports of known or suspected abuse, was neither unconstitutionally vague nor too broad. (The case was eventually dismissed on jurisdictional grounds, however.)
- Another Minnesota principal was charged for failure to report suspected abuse by his school's janitor.
- In California an elementary school principal was charged for not reporting accusations that a teacher was molesting students.[7] (The principal took an early retirement; after one year the charges were dropped.)

In many instances, the charges brought against principals and other school personnel for their failure to report actual or suspected abuse are eventually dropped or resolved before trial; still, the process of defending against such charges can be emotionally and financially draining. School principals can help prevent these cases by establishing policies for reporting abuse and providing appropriate training on these policies for school employees. Although 90 percent of the schools in the NCPCA survey had policies for handling suspected cases of child abuse, most teachers in those schools were not fully aware of those policies.

Principals must also be sure that their school policies are consistent with state law. An example of an inappropriate policy is one that gives principals veto power over all reports of known or

Professional Advisory

This issue of *Here's How* is in support of the following *Standards for Quality Elementary and Middle Schools* (NAESP: 1990): SCHOOL CLIMATE (the school's environment emphasizes the worth of individuals). It is also in support of the LEADERSHIP PROFICIENCY (use group conflict-resolution and decision-making processes) and the ADMINISTRATIVE PROFICIENCY (know education law), as given in *Proficiencies for Principals* (NAESP: 1991).

suspected abuse and prohibits employees from reporting directly to CPS. That kind of policy, in effect, requires school personnel to violate state reporting laws and risk criminal penalties themselves.

But What Is "Abuse"?

Educators also need adequate training to identify possible abuse. In the NCPCA survey, teachers cited their own lack of knowledge on how to detect child abuse as a major impediment to their being able to report suspected cases of abuse. While principals in general reported satisfaction with the available material on child abuse, 66 percent of teachers reported they thought they had been given insufficient information about child abuse and neglect.[8] It would appear from this that many principals ought to evaluate and, if necessary, modify their current training programs to clearly address the needs of their teachers in this area. (See accompanying table.—*Editor*)

Not only do teachers feel inadequately trained, they are also concerned about the possible legal ramifications to themselves of reporting suspected abuse. Over 55 percent of teachers in the NCPCA survey expressed the fear captured by a sixth grade teacher from Texas, who said, "We're scared to death of being sued."[9]

The Laws of Immunity Apply

In fact, most state laws provide civil and criminal immunity for persons who, in good faith, report known or suspected child abuse, regardless of whether the investigating agency classifies the report as "substantiated" or "unsubstantiated." While these immunity statutes will not prevent all civil suits from being filed against educators for reporting abuse, the courts have tended to summarily dismiss them. Nevertheless, it is fair to say that **educators must be assured that they are unlikely to be sued for good faith reports of abuse; further, they need to be assured that, if a suit is filed, their school district will support them legally and financially.**

How Teachers Intend to Report Child Maltreatment

How well do elementary school teachers understand the law on child abuse and neglect? In 1987 JanaLee L. Sponberg, DAE, surveyed 843 elementary teachers to determine (a) their *perceptions of the severity* of certain kinds of child maltreatment—on a scale of 1-9, with 9 the "most severe"—and (b) their *intentions to report* such cases to the authorities, as federal and state laws require. More than a third of the 78 random examples of child maltreatment in the Sponberg survey were "reportable" under the law, but none received a 100 percent response from the teachers. In addition, the literature shows no evidence thus far that teachers who, in the abstract and in good conscience, indicate they *intend* to report cases of maltreatment actually *do* report them in real life situations.

Here are 15 examples from the Sponberg survey, arranged in descending order by percent of those who would report:

	Severity Scale	Percent Reporting
The parent struck the child with a wooden stick. The child suffered a concussion.	8.684	95.5
The parent hit the child in the face, striking him with the fist. The child suffered a black eye and a cut lip.	8.581	94.0
The parents regularly fail to feed their child for periods of at least 24 hours. The child was hospitalized for six weeks for being seriously underweight.	8.587	93.0
The parent banged the child against the wall while shaking him by the shoulders. The child suffered a concussion.	8.539	92.3
The parents do not wash their child at all. The child's arms and legs are covered with encrusted sores.	8.289	91.2
The parents do not wash their child's hair nor bathe him for weeks at a time. He has impetigo in several places.	8.121	89.3
The parents regularly left their child alone inside the house after dark. Often they did not return until midnight. On one occasion the child started a small fire.	8.378	89.3
The parent repeatedly showed the child pornographic pictures. The child suffers recurring nightmares.	8.435	88.8
The parents regularly left their child alone all night.	8.278	87.7
The parents make their child steal small articles out of the supermarket. The child was caught stealing.	8.352	87.5
The parents frequently keep their child out of school. The child is failing in school.	7.785	87.5
The parents have repeatedly failed to keep medical appointments for their child. Their child has a congenital heart defect.	8.294	84.2
The parents regularly left their child alone outside the house after dark, often as late as midnight. Neighbors have spotted the child wandering five blocks from home.	8.183	81.1
The parents frequently let their school-age child stay home from school for no good reason. The child is failing in school.	7.503	79.7
The parents do not provide any health care for their child. The child complains of physical ailments.	7.874	79.1

—From Sponberg, JanaLee Lucett, *Elementary Teachers' Perceptions of Severity Ratings and the Decisions to Report Child Maltreatment*. Unpublished thesis. George Mason University, Fairfax, Virginia. Spring, 1989. For further information or copies of her report, write JanaLee Sponberg, DAE, Office of Family Policy, Support, and Services, Office of the Secretary of Defense/USDoD, 4015 Wilson Boulevard / Suite #903, Arlington, Virginia 22203-5190.

Another major barrier to reporting child abuse is the belief that Child Protective Services will not respond to educators' reports anyway, so why bother. Educators also complain that they never get any feedback from CPS to indicate that their reports are even being investigated.

These are serious complaints because, unfortunately in a number of communities, there may be some truth behind them. In Rochelle's case, for example (mentioned in the beginning of this article), the school nurse's report was never investigated because CPS gave its highest priority to reports from hospitals, doctors, and the police and not from school personnel.

In NCPCA's 1990 survey, 59 percent of elementary school principals cited their own lack of faith in CPS intervention as a significant barrier to their reporting suspected cases of child abuse and neglect.[3] In Florida, for example, the state CPS agency is in the Department of Health and Rehabilitative Services (DHRS). However, many educators have so much animosity toward the state DHRS that, while they report abuse to avoid criminal penalties, they are nevertheless reluctant to cooperate with DHRS investigations. Unfortunately, Florida's abused and neglected children are the real losers.

Can the Situation Be Improved?

In states or localities where school-CPS cooperation is a problem, the educators' first task might well be to "go on the offensive" and make the community and/or state legislatures aware that school personnel are essential in any multidisciplinary approach to protecting children. A system of child protection that does not involve school personnel in a meaningful and serious way is a system headed for disaster.

Elementary school principals have a leadership role to play in school efforts to identify and prevent abuse of young children. As community leaders, principals can also play a major role in improving their communities' response to reports of abuse. It is a simple fact that the very lives of many abused children hang in a precarious balance; the outcome could very well depend upon the actions taken by caring adults.

Thousands of children are alive and safe today because a principal or a teacher or some other caring adult at school was sensitive to a particular child's behavior, was willing to observe and to listen, and then acted on that information by filing a report. Reporting—by itself—does not guarantee that a child will be protected from continued abuse; but the failure to report adds yet another layer of bitterness and betrayal to the suffering of an already betrayed child.

Such failure by an educator is morally and ethically wrong.

It is also against the law. □

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